

## REMARKS

The present application was filed on May 24, 2001 with claims 1 through 26. Claims 1 through 26 are presently pending in the above-identified patent application.

In the final Office Action, the Examiner rejected claims 1-26 under 35 U.S.C. §102(b) as being anticipated by Kenagy et al. (United States Patent Number 5,842,124). Applicants note that the Office Action Summary incorrectly notes that claims 1-21 are pending and rejected.

The present invention is directed to a method and apparatus for preventing unauthorized access to a restricted item using a cellular telephone that has been previously associated with a user, for example, during a registration process. The user is initially identified, for example, by entering a password, and a one-time pseudo-random token is provided to the user using a first communication channel. The user is requested to dial a telephone number associated with an access control service using a cellular telephone that has been previously associated with the user and enter the assigned token. The user obtains access to the restricted item if the assigned token is entered from a cellular telephone having a serial number that has been previously associated with the particular user.

Independent Claims 1, 11, 17 and 20-26

Independent claims 1, 11, 17 and 20-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Kenagy et al.

In the Response to Amendment, the Examiner asserts that Kenagy discloses the password is received from the cellular telephone via a wireless connection, because the user of the cellular telephone calls the service provider with a predetermined telephone number and enters a password.

Applicants note that Kenagy teaches that the user “calls a predetermined telephone number and receives one of the predetermined passwords.” (See, Abstract.) Contrary to the Examiner’s first assertion, Kenagy does *not* teach that a password needs to be entered to receive one of the predetermined passwords. In fact, Kenagy teaches “the password may alternately be obtained from the packaging of the cellular telephone 100 or from the retail clerk or from other sources.” Col. 11, lines 16-19. There is no mention of requiring a password in any of the methods to receive one of the

predetermined passwords. Also, for sake of argument, even if Kenagy required a password to be entered to gain access, Kenagy does not require that a password must *be received from a cellular telephone having a serial number previously associated with said user*. The telephone call could be placed from any telephone.

5           Once one of the predetermined passwords is obtained, Kenagy then teaches that the user enters the password using the keypad 20 on the telephone and the CPU 108 retrieves the stored password from the password storage area 116 in order to determine if the passwords match. The password storage area 116 is located in the telephone. Col. 11, lines 11-32. Thus, there is no need (and Kenagy does not teach) to  
10           transmit the password via a wireless connection. The stored password is simply retrieved via the CPU data bus and compared to the entered password, as would be apparent to a person of ordinary skill in the art. In fact, Kenagy teaches that, “no matter what technique is used to generate a password, the *cellular telephone 100* compares a stored password with the user-entered password to control access.” Col. 11, lines 6-10. Thus,  
15           even in the text cited by the Examiner (col. 2, lines 47-55), Kenagy does not teach that the password is *received from the cellular telephone via a wireless connection*. Independent claims 1, 11, 17, and 20-26 require a token that is “received via a wireless connection from a cellular telephone having a serial number previously associated with said user.”

20           Thus, Kenagy et al. does not disclose or suggest a token that is “received via a wireless connection from a cellular telephone having a serial number previously associated with said user,” as required by independent claims 1, 11, 17, and 20-26, as amended.

Dependent Claims 2-10, 12-16, 18 and 19

25           Dependent claims 2-10, 12-16, and 18-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Kenagy et al.

          Claims 2-10, 12-16, and 18-19 are dependent on claims 1, 11, and 17, respectively, and are therefore patentably distinguished over Kenagy et al. because of their dependency from independent claims 1, 11, and 17 for the reasons set forth above,  
30           as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., Claims 1-26, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to  
5 contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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